

**Telephonic Interview of August 9, 2007**

Applicant agrees with the content of the Interview Summary issued by the Examiner on August 9, 2007. Applicant clarifies, however, that up to five (5) months of *extensions* are available from the mailing date of the Notice.

**Telephonic Interview of October 9, 2007**

Applicant thanks the Office for the courtesies extended during the telephonic interview on October 9, 2007 between Examiners Robertson and Boyce and Applicant's representatives, John Harris and Fred Barbieri. During the interview, a summary of the below submissions was provided to the Examiners. The Examiners indicated that the submission of these materials would satisfy the Requirement.

At the end of the interview, Examiner invited Applicant to reconsider the language of the claims in view of their broadest reasonable interpretation. Applicant intends to reconsider the claim language upon receipt of the next Office Action, should the claim rejections be maintained. Applicant requests that the Examiner send an Interview Summary along with the next Office Action, if not already sent by that time.

**Requirement for Information under 37 § CFR 1.105**

The Examiner has required further information under 37 § CFR 1.105 from Applicant and Assignee ("Requirement"). Office Action at 18-21. The required documentation and information was not readily obtainable. Applicant has searched Applicant's records for documentation that appears to be related to that referenced in the Requirement. The following represents the Applicant's best efforts in collecting such information to respond to the Requirement.

The Examiner has raised an issue of public use or on sale activity. Office Action at 18. As will be described in further detail below, Applicant respectfully submits that

there was no public use, sale, or offer for sale associated with the disclosure prior to March 2000, which is less than one year prior to the filing dates of the corresponding provisional Application No. 60/262,361 (January 19, 2001) and the foreign priority document, Canadian Application 2,339,063 (March 1, 2001).

The Examiner has identified certain documents that allegedly suggest a date of first public use or sale or offer for sale prior to the critical date of invention. Specifically, the following articles and press releases were cited by the Examiner:

- (1) Cognos/IBM/Microsoft: Business Intelligence (BYTEbeat, Week of May 24, 1999, [www.monitor.ca/monitor/issues/vol6iss10/bytebeat.html](http://www.monitor.ca/monitor/issues/vol6iss10/bytebeat.html));
- (2) Cognos Launches New e-Business Intelligence Unit (Burlington, Mass., January 31, 2000, [www-apps.cognos.com/news/releases/20000/rel\\_284.html](http://www.apps.cognos.com/news/releases/20000/rel_284.html));
- (3) Cognos Annual Report for Fiscal Year Ending 2/29/2000 ([http://www.sec.gov/Archives/edgar/data/746782/0000950109-00-002355.txt](http://www.sec.gov/Archives/edgar/data/746782/0000950109000002355/0000950109-00-002355.txt); and
- (4) Constructing the Integrated Data Warehouse with Cognos e-Applications (Cognos Whiter Paper, September 2000).

Office Action at 18-21.

These documents are discussed below in sequence.

**(1) Cognos/IBM/Microsoft: Business Intelligence (BYTEbeat, Week of May 24, 1999, [www.monitor.ca/monitor/issues/vol6iss10/bytebeat.html](http://www.monitor.ca/monitor/issues/vol6iss10/bytebeat.html))**

Assignee submits that this article provides non-enabling marketing information pertaining to a product that preceded any product associated with the present disclosure. The Financial Analysis product identified in this article is a business intelligence (BI) application that includes: i) a finance data model; ii) an extraction/transformation/loading (ETL) engine for extracting information from an SAP

data source; and iii) some prepackaged reports. However, the Financial Analysis product identified in this article does not provide for “a set of dimensions . . . configurable to represent the business reference aspects of a particular organization,” “a set of measures . . . configurable to represent the business activity aspects of the particular organization,” as recited in the claims. Furthermore, no console for configuring the finance data mart data model is provided by this product.

While later releases of products for Sales Analysis and for Inventory Analysis were designed to work with the Financial Analysis product, these products would have to be manually modified in order to work together. No “set of dimensions . . . configurable to represent the business reference aspects of a particular organization,” nor a “set of measures . . . configurable to represent the business activity aspects of the particular organization,” was encompassed by these products. That is, no one-size-fits-all data warehouse system was contemplated.

**(2) Cognos Launches New e-Business Intelligence Unit (Burlington, Mass., Jan. 31, 2000, [www-apps.cognos.com/news/releases/20000/rel\\_284.html](http://www.apps.cognos.com/news/releases/20000/rel_284.html))**

Assignee submits that this article relates to the team that designed and built the Financial Analysis, Sales Analysis and Inventory Analysis products discussed above. These products, which do not contemplate the present disclosure, were later re-branded as e-Applications. While subsequent products that include the present disclosure are also branded as e-Applications, this article does not refer to those subsequent products.

**(3) Cognos Annual Report for Fiscal Year Ending 2/29/2000 (<http://www.sec.gov/Archives/edgar/data/746782/000095010900002355/0000950109-00-002355.txt>)**

Assignee submits that the passages in this Annual Report to which the Examiner refers on page 20 of the Office Action relates to simple Business Intelligence (BI)

Applications (e.g., simple operational reporting), and not to analytic applications (i.e., not to data warehouses or data marts). Moreover, Assignee notes that the products referenced in the cited passages relate to the Financial Analysis, Sales Analysis, and Inventory Analysis products discussed above, which are not related to the present disclosure. At this point in time (Fiscal Year Ending February 29, 2000), these products were re-branded as part of an "e-Applications" series of products. "DecisionStream" refers to an ETL engine that replaced the original ETL engine in the original Financial Analysis product. However, at this time, there existed no "set of dimensions . . . configurable to represent the business reference aspects of a particular organization," nor a "set of measures . . . configurable to represent the business activity aspects of the particular organization." That is, no one-size-fits-all data warehouse system was contemplated.

**(4) Constructing the Integrated Data Warehouse with Cognos e-Applications (Cognos White Paper, September 2000).**

Applicant notes that this paper is dated September 2000, which is less than one year prior to the Provisional Application No. 60/262,361 filing date of January 19, 2001.

The Examiner has also requested the following under 37 CFR § 1.105:

- (a) technical information, promotional information, user information, training information, process and procedures related to the present invention shared with other companies, affiliates, vendors or buyers along with dates of presentation to other companies, affiliates, vendors or buyers of products related to the present invention;
- (b) information relating to the basis for the present invention related to possible pre-cursor products variously referred to as "business intelligence applications" or "BI-solution" or "e-Business Intelligence Applications" or "e-Applications" and variants thereof; and

(c) date(s) of first use or sale or offer for sale of related products either related to or used in the invention of the present invention.

Office Action at 21.

This information is set out below in sequence. Accompanying this paper is an Information Disclosure Statement listing the documents cited below. Copies of these documents are enclosed herewith.

**(a) Technical information, etc.**

Applicant submits the following documents:

- e-Applications – White Paper dated September 27, 2000 (22 pages) (cited by Examiner, (4) above);
- e-Applications – General Brochure dated August 2000 (18 pages);
- Cognos Launches e-Applications for J.D. Edwards – Article dated March 22, 2000 (2 pages);
- Cognos Customizes Suite for J.D. Edwards Applications – InformationWeek.com – web article dated March 27, 2000 (2 pages);
- Cognos Introduces e-Applications for Oracle – press release dated April 26, 2000 (2 pages);
- Cognos e-Applications Give 'Clicks and Mortar' Businesses Integrated View of Business Performance – press release dated June 14, 2000 (2 pages);
- Cognos e-Commerce Analysis Turns Web Sites into Profitable Sales Channels – press release dated June 14, 2000 (2 pages)
- e-Applications – Financial Analysis Brochure dated September 21, 2000 (10 pages);
- e-Applications – Report Administration Guide Sales Analysis for J.D. Edwards dated July 18, 2000 (20 pages);
- e-Applications – Installation and Configuration Guide Sales Analysis for J.D. Edwards dated July 19, 2000 (16 pages);

- e-Applications – Administration Guide Sales Analysis for J.D. Edwards dated July 20, 2000 (46 pages);
- Selecting Enterprise Business Intelligence for the Supply Chain – Article dated April 13, 2000 (6 pages); and
- Cognos Performance Applications – Presentation Slides dated September 2004 (33 pages at 4 slides per page);

Assignee notes that any presentations to other companies, affiliates, vendors or buyers were under non-disclosure agreements (NDA). In any event, the dates of each of the above documents are within one year of the provisional filing date of January 19, 2000 or later.

**(b) Documents relating to possible pre-cursor products**

Applicant submits the following material relating to precursor products that do not contemplate the present disclosure:

- Cognos/IBM/Microsoft: Business Intelligent (BYTEbeat, Week of May 24, 1999, [www. monitor.ca/monitor/issues/vol6iss10/bytebeat.html](http://www.monitor.ca/monitor/issues/vol6iss10/bytebeat.html)) (cited by Examiner, (1) above);
- Cognos Launches New e-Business Intelligence Applications Unit – Article dated January 31, 2000 (2 pages);
- Cognos Annual Report for fiscal year ending 02/29/2000 (cited by the Examiner, (3) above) (140 pages);
- BI Applications – Presentation dated June 13, 1999 (25 pages);
- DecisionStream Announcement dated July 6, 1999 (1 page);
- BI Applications – Installation and Configuration Guide dated August 26, 1999 (44 pages);
- BI Applications – Analytical Reports for Financial Analysis dated June 3, 1999 (13 pages);

- Cognos introduces first end-to-end platform for true enterprise business intelligence solutions – Press Release dated September 17, 1999 (2 pages);
- Rottenberg to Head New Cognos e-Business Intelligence Applications Unit – Article dated January 26, 2000 (2 pages);
- e-Applications – SeeBusiness customer meeting presentation dated March 24, 2000 (33 pages);
- e-Applications – Installation and Configuration Guide Inventory Analysis for SAP/R3 dated June 16, 2000 (44 pages);
- e-Applications – System Guide Financial Analysis for SAP/R3 dated July 7, 2000 (110 pages);
- e-Applications – Report Administration Guide Sales Analysis for SAP/R3 dated June 30, 2000 (28 pages);
- e-Applications – Installation and Configuration Guide Sales Analysis for SAP/R3 dated May 31, 2000 (43 pages);
- e-Applications – System Guide Sales Analysis for SAP/R3 dated April 25, 2000 (118 pages);
- e-Applications – Administrator's Guide Inventory Analysis for SAP/R3 dated June 20, 2000 (104 pages);
- e-Applications – Installation and Configuration Guide Inventory Analysis for SAP/R3 dated May 31, 2000 (30 pages);
- e-Applications – Report Administration Guide Inventory Analysis for SAP/R3 dated June 21, 2000 (64 pages);

Assignee notes that the dates provided for these documents indicate the earliest possible dates these documents were available.

**(c) Date(s) of first use or sale etc.**

Applicant submits that the Financial Analysis product was the first possible precursor product. However, as discussed above, the Financial Analysis product does not contemplate the present disclosure. The first public offering for the Financial Analysis

product was in August of 1999. The ETL of this product was replaced with an early version of DecisionStream and re-branded as e-Applications (still not including the present disclosure). The first public offering of e-Applications directed to the present disclosure occurred on or about March or April of 2000 to a beta-testing customer under a non-disclosure agreement. The Administration Report Guide dated July 18, 2000, Installation Guide dated July 19, 2000, and Administration Guide dated July 20, 2000 (for the Sales Analysis product discussed above) relate to the first version of an analytic product that was supplied to customers. As such, the first offering of a product including portions of the disclosure falls within one year of the filing of the provisional application.

#### **Conclusion**

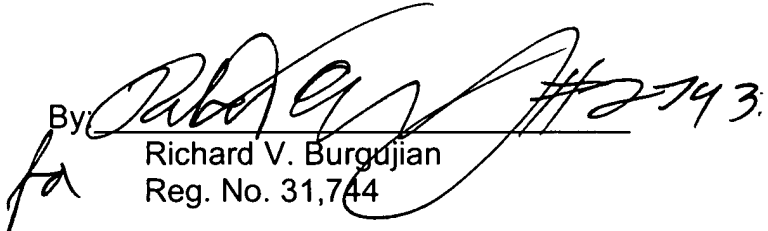
In view of the foregoing, Applicant respectfully submits that Applicant has satisfied the Requirement for Information under 37 C.F.R. § 1.105. Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 8, 2008

By  #2743  
Richard V. Burgujian  
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#### **Attachments:**

The thirty-three (33) documents discussed above and cited in the accompanying Information Disclosure Statement.